

Daily Digest

HIGHLIGHTS

Senate passed H.R. 2673, Agriculture Appropriations Act.

The House passed H.R. 1829, Federal Prison Industries Competition in Contracting Act of 2003.

The House passed H.R. 1442, Vietnam Veterans Memorial Visitors Center Act—clearing the measure for the President.

House Committee ordered reported 12 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S14083–S14226

Measures Introduced: Ten bills and three resolutions were introduced, as follows: S. 1829–1838, and S. Res. 260–262.

Pages S14176–77

Measures Reported:

S. 286, to revise and extend the Birth Defects Prevention Act of 1998, with an amendment in the nature of a substitute. (S. Rept. No. 108–188)

S. 648, to amend the Public Health Service Act with respect to health professions programs regarding the practice of pharmacy, with an amendment in the nature of a substitute. (S. Rept. No. 108–189)

S. 1043, to provide for the security of commercial nuclear power plants and facilities designated by the Nuclear Regulatory Commission, with an amendment in the nature of a substitute. (S. Rept. No. 108–190)

H.R. 1086, to encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards, with an amendment in the nature of a substitute.

S. 710, to amend the Immigration and Nationality Act to provide that aliens who commit acts of torture, extrajudicial killings, or other specified atrocities abroad are inadmissible and removable and to establish within the Criminal Division of the Department of Justice an Office of Special Investigations having responsibilities under that Act with respect to all alien participants in war crimes, genocide, and the commission of acts of torture and

extrajudicial killings abroad, with an amendment in the nature of a substitute.

S. 1685, to extend and expand the basic pilot program for employment eligibility verification, with an amendment in the nature of a substitute.

S. Con. Res. 77, expressing the sense of Congress supporting vigorous enforcement of the Federal obscenity laws.

Page S14176

Measures Passed:

Agriculture Appropriations Act: By 93 yeas to 1 nay (Vote No. 444), Senate passed H.R. 2673, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, after taking action on the following amendments proposed thereto:

Pages S14104–55

Adopted:

Dorgan Amendment No. 2116, to express the sense of the Senate on the importation of cattle with bovine spongiform encephalopathy.

Pages S14106–07

Dorgan Amendment No. 2117, to increase funding for guaranteed broadband loans, with an offset.

Pages S14128–31

Specter Amendment No. 2080, to limit the use of funds to allocate the rate of price support between the purchase prices for nonfat dry milk and butter in a manner that does not support the price of milk at the rate prescribed by law.

Pages S14136–39

Cochran Amendment No. 2120, to provide plant variety protection.

Pages S14140–41

Daschle Amendment No. 2078, to express the sense of the Senate regarding country of origin labeling requirements. (By 36 yeas to 58 nays (Vote No. 443), Senate earlier failed to table the amendment.)

Pages S14118–28, S14139–40, S14141–42

Kohl (for Levin/Stabenow) Amendment No. 2121, to increase funding for the removal of trees that have been adversely affected by the emerald ash borer, with offsets. **Page S14142**

Kohl (for Feingold) Amendment No. 2122, to require the Secretary of Agriculture to report to Congress on acquisitions made by the Department of Agriculture of articles, materials, or supplies manufactured outside the United States. **Page S14142**

Kohl (for Dorgan) Amendment No. 2123, to permit the use of remaining fiscal year 2003 funds to carry out the program of loans and loan guarantees to provide access to broadband telecommunications services in rural areas. **Page S14142**

Kohl (for Stabenow/Levin) Amendment No. 2124, to control and alleviate the cormorant problem in the State of Michigan. **Page S14142**

Kohl (for Leahy) Amendment No. 2125, to provide minimum funding for certain types of agricultural management assistance. **Page S14142**

Bennett Amendment No. 2126, to authorize the Secretary of Agriculture to make funding and other assistance available through the emergency watershed protection program to repair and prevent damage to non-Federal land in watersheds that have been impaired by fires initiated by the Federal Government and to waive cost-sharing requirements for the funding and assistance. **Page S14142**

Kohl (for Wyden) Amendment No. 2127, to expand the business size restrictions of the Rural Business Enterprise Grant Program for Oakridge, Oregon. **Page S14142**

Kohl (for Jeffords) Amendment No. 2128, to provide funds to carry out the historic barn preservation program, with an offset. **Pages S14142–43**

Bennett (for Murkowski) Amendment No. 2129, to modify the requirements for a water and waste disposal grant to the Alaska Department of Community and Economic Development. **Page S14143**

Kohl (for Harkin) Amendment No. 2085, to permit the enrollment in the conservation reserve program of certain land on which trees have been planted. **Page S14143**

Kohl (for Clinton) Amendment No. 2130, to prohibit the use of funds to purchase chickens treated with fluoroquinolone. **Page S14143**

Bennett (for Craig) Amendment No. 2131, to provide loan guarantees for major projects for certain renewable energy systems. **Page S14143**

Kohl (for Harkin) Amendment No. 2132, to clarify the Secretary may use competitive research grant funds for certain requests for proposals. **Page S14143**

Kohl (for Dorgan) Amendment No. 2133, to increase funding for guaranteed broadband loans, with an offset. **Page S14143**

Kohl (for Harkin) Amendment No. 2134, to modify the requirements for a water and waste disposal grant to the city of Postville, Iowa. **Page S14143**

Bennett (for Hutchison) Amendment No. 2135, to provide for a Texas rice safeguard initiative. **Page S14145**

Bennett/Kohl Amendment No. 2073, of a technical nature. **Page S14145**

Rejected:

By 38 yeas to 56 nays (Vote No. 442), Leahy Amendment No. 2119, to restrict the use of funds for certain conservation programs. **Pages S14131–36, S14141**

Withdrawn:

Bingaman Amendment No. 2115, to provide funds to implement and administer Team Nutrition programs, with an offset. **Pages S14104–06**

During consideration of this measure today, Senate also took the following actions:

A unanimous-consent agreement was reached providing that the November 5, 2003 adoption of the following amendment was vitiated, and the amendment was then subsequently withdrawn: **Page S14145**

Bennett/Kohl Amendment No. 2084, to provide that statements made by the Chairman and/or Ranking Member of the Agriculture Appropriations Subcommittee, and colloquies engaging the Chairman and/or Ranking Member of the Agriculture Appropriations Subcommittee, given on the Senate Floor or submitted for the Record during Senate consideration of this Act shall be deemed part of Senate Committee Report 108–107 for purposes of conference with the House of Representatives. **Page S14145**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Bennett, Cochran, Specter, Bond, McConnell, Burns, Craig, Brownback, Stevens, Kohl, Harkin, Dorgan, Feinstein, Durbin, Johnson, Landrieu, and Byrd. **Pages S14151–55**

Authorizing Legal Representation: Senate agreed to S. Res. 261, to authorize testimony, document production, and legal representation in State of Colorado v. Daniel Raphael Egger, Sarah Jane Geraldi, Jennifer Melissa Greenberg, Lisa Gale Kunkel, Bonnie Catherine McCormick **Pages S14220–21**

Child Nutrition Program Authorization: Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of H.R. 3232, to reauthorize certain school lunch and child nutrition programs through March 31, 2004, and the bill was then passed, clearing the measure for the President. **Page S14221**

Coastal Barrier Property Exemption: Senate passed S. 1643, to exempt certain coastal barrier property from financial assistance and flood insurance limitations under the Coastal Barriers Resources Act and the National Flood Act of 1968, after agreeing to the committee amendments. **Page S14221**

Technical Correction: Senate passed S. 1066, to correct a technical error from Unit T-07 of the John H. Chafee Coastal Barrier Resources System, after agreeing to the committee amendment in the nature of a substitute. **Page S14221**

Coastal Barrier Map Replacement: Senate passed S. 1663, to replace certain Coastal Barrier Resources System maps. **Pages S14221-22**

Congratulating Shirin Ebadi: Committee on the Judiciary was discharged from further consideration of S. Res. 244, congratulating Shirin Ebadi for winning the 2003 Nobel Peace Prize and commending her for her lifetime of work to promote democracy and human rights, and the resolution was then agreed to. **Page S14222**

Compact of Free Association Amendments Act: Senate passed H.J. Res. 63, to approve the Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Federated States of Micronesia, and the Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Republic of the Marshall Islands, and to appropriate funds to carry out the amended Compacts, after agreeing to the following amendments proposed thereto: **Pages S14222-26**

McCain (for Domenici/Bingaman) Amendment No. 2137, in the nature of a substitute. **Page S14226**

McCain (for Domenici/Bingaman) Amendment No. 2138, to amend the preamble. **Page S14226**

McCain (for Domenici) Amendment No. 2139, to amend the title. **Page S14226**

Internet Tax Non-Discrimination Act: Senate began consideration of S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act, after agreeing to the committee amendment in the nature of a substitute, and taking action on the following amendment proposed thereto: **Pages S14156-73**

Adopted:

McCain Amendment No. 2136, in the nature of a substitute. **Page S14157**

A unanimous-consent agreement was reached providing that Senate resume consideration of the bill at 9:30 a.m., on Friday, November 7, 2003.

Page S14160

Messages from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the report of the approval of the use of \$10,623,873 provided by the District of Columbia Appropriations Act, Public Law 108-7, the Consolidated Appropriations Resolution, 2003; to the Committee on Appropriations. (PM-55) **Page S14173**

Nomination Considered: Senate resumed consideration of the nomination of William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

During consideration of this measure today, Senate also took the following action:

By 51 yeas to 43 nays (Vote No. 441), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the second motion to close further debate on the nomination. **Pages S14090-S14104**

Nominations Received: Senate received the following nominations:

Francis J. Harvey, of California, to be an Assistant Secretary of Defense.

Lawrence F. Stengel, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania. **Page S14226**

Messages From the House: **Pages S14173-74**

Measures Referred: **Page S14174**

Measures Placed on Calendar: **Page S14174**

Enrolled Bills Presented: **Page S14174**

Executive Communications: **Pages S14174-76**

Executive Reports of Committees: **Page S14176**

Additional Cosponsors: **Page S14177**

Statements on Introduced Bills/Resolutions: **Pages S14177-82**

Additional Statements: **Page S14173**

Amendments Submitted: **Pages S14182-S14220**

Authority for Committees to Meet: **Page S14220**

Privilege of the Floor: **Page S14220**

Record Votes: Four record votes were taken today. (Total—444) **Page S14104, S14141, S14142, S14155**

Adjournment: Senate met at 9:31 a.m., and adjourned at 9:58 p.m., until 9:30 a.m., on Friday,

November 7, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S14226.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the nominations of Floyd Hall, of New Jersey, who was introduced by Senator Lautenberg, Louis S. Thompson, of Maryland, and Robert L. Crandall, of Texas, each to be a Member of the Reform Board (Amtrak), after each nominee testified and answered questions in their own behalf.

LUNAR EXPLORATION

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space concluded a hearing to examine the future of the U.S. Space Program, including the possibility of a return mission to the Moon, after receiving testimony from former Senator Harrison H. Schmitt, InterLune-Intermars Initiative, Inc., Albuquerque, New Mexico; J. Roger P. Angel, University of Arizona Center for Astronomical Adaptive Optics, Tucson; and David R. Criswell, University of Houston Institute for Space Systems Operations, and Paul D. Spudis, Lunar and Planetary Institute, both of Houston, Texas.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the following business items:

S. Res. 237, welcoming the public apologies issued by the President of Serbia and Montenegro and the President of the Republic of Croatia and urging other leaders in the region to perform similar concrete acts of reconciliation;

S. Res. 256, observing the 50th anniversary of the Mutual Defense Treaty between the United States and the Republic of Korea, affirming the deep cooperation and friendship between the people of the United States and the people of the Republic of Korea, and thanking the Republic of Korea for its contributions to the global war on terrorism and to the stabilization and reconstruction of Afghanistan and Iraq;

S. Res. 258, expressing the sense of the Senate on the arrest of Mikhail B. Khodorkovsky by the Russian Federation;

S. 950, to allow travel between the United States and Cuba, with amendments;

S. 1317, to amend the American Servicemember's Protection Act of 2002 to provide clarification with

respect to the eligibility of certain countries for United States military assistance;

S. 1824, to amend the Foreign Assistance Act of 1961 to reauthorize the Overseas Private Investment Corporation; and

The nominations of Margaret DeBardeleben Tutwiler, of Alabama, to be Under Secretary of State for Public Diplomacy, Zalmay Khalilzad, of Maryland, to be Ambassador to the Transitional Islamic State of Afghanistan, Louise V. Oliver, of the District of Columbia, for the rank of Ambassador during her tenure of service as the United States Permanent Representative to the United Nations Educational, Scientific, and Cultural Organization, William J. Hudson, of Virginia, to be Ambassador to the Republic of Tunisia, Margaret Scobey, of Tennessee, to be Ambassador to Syria, Thomas Thomas Riley, of California, to be Ambassador to the Kingdom of Morocco, Jackie Wolcott Sanders, for the rank of Ambassador during her tenure of service as United States Representative to the Conference on Disarmament and the Special Representative of the President of the United States for Non-Proliferation of Nuclear Weapons, Mary Kramer, of Iowa, to be Ambassador to Barbados and to serve concurrently and without additional compensation as Ambassador to St. Kitts and Nevis, Saint Lucia, Antigua and Barbuda, the Commonwealth of Dominica, Grenada, and Saint Vincent and the Grenadines, Timothy John Dunn, of Illinois, for the rank of Ambassador during his tenure of service as Deputy Permanent Representative to the Organization of American States, James Curtis Struble, of California, to be Ambassador to Peru, Hector E. Morales, of Texas, to be United States Alternate Executive Director of the Inter-American Development Bank, Marguerita Dianne Ragsdale, of Virginia, to be Ambassador to the Republic of Djibouti, Edward B. O'Donnell, Jr., of Tennessee, for the rank of Ambassador during his tenure of service as Special Envoy for Holocaust Issues, Jon R. Purnell, of Massachusetts, to be Ambassador to the Republic of Uzbekistan, Stuart W. Holliday, of Texas, to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador, and certain Foreign Service Officer promotion lists received in the Senate on October 3, 2003.

DOD AIRLINE TRAVEL

Committee on Governmental Affairs: Permanent Subcommittee on Investigations concluded a hearing to examine Department of Defense's improper use of first and business class airline travel, focusing on the extent of DOD premium class travel, the effectiveness of key internal control activities and examples